

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:) CASE NO. 16-57594-PMB
DONNA TERESA PHILLIPS,) CHAPTER 7
Debtor.)

-----)
JANET G. WATTS, Trustee)
Movant,)
vs.)
)
)
DITECH FINANCIAL, LLC,)
COBBLESTONE HOA, and)
DONNA TERESA PHILLIPS,)
Respondents.)
_____)

CONTESTED MATTER

**TRUSTEE’S MOTION TO SELL DEBTOR’S INTEREST IN REAL PROPERTY
FREE AND CLEAR OF LIENS**

JANET G. WATTS, trustee herein (“Trustee”), hereby moves this Court for authorization to sell real property of the Debtor pursuant to 11 U.S.C. §363 and shows the Court as follows:

1.

Applicant is the duly qualified and acting trustee in this case.

2.

Debtor filed a voluntary petition under Chapter 7 on April 30, 2016. Trustee was appointed as interim trustee and became permanent trustee at the conclusion of the meeting of creditors on June 6, 2016.

3.

At the time of filing, Debtor owned property with an address of 1601 Buckingham Place, Woodstock, Cherokee County, Georgia, 30188 ("Property"), which is more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1241 OF THE 15TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, AND BEING IN LOT 114 OF THE VILLAGE AT COBBLESTONE, UNIT 2, AS PER PLAT RECORDED IN PLAT BOOK 39, PAGE 139 OF CHEROKEE COUNTY, GEORGIA RECORDS. SAID PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF.

4.

A sales contract in the amount of \$90,000.00 has been obtained on Property from Donald Ray Hayes ("Purchaser"). Purchaser has no relationship to Debtor. Debtor valued the home on Schedule A/B at \$93,000.00 which Trustee asserts is generally accurate. After inspection by and consultation with Trustee's realtor, Property was listed at \$90,000.00. A copy of the Purchase and Sale Agreement is attached hereto and made a part hereof.

5.

Trustee believes that this sale is in the best interest of the estate as she expects it to produce reasonable sums after costs of sale for distribution to creditors.

6.

The sale has been brought about through the efforts of Trustee's realtor, Tony Money, whose employment was approved by the Court on July 13, 2016 [Docket No. 18].

7.

Up through September 5, 2016, the payoff to the first lienholder Ditech Financial LLC is anticipated to be \$45,724.80 with an approximate per diem of \$8.12. Homeowner Association Fees to be paid at closing are estimated at \$1,500.00. Property taxes to be prorated are estimated at \$924.32. No past due taxes are known. Total costs of sale are estimated at \$7,593.24 which include broker's fees, pro-rated property taxes and home owner association fees. The estimated net to seller at present is \$36,681.96. Debtor has an exemption of \$21,500.00 and Trustee is requesting authorization to pay that to Debtor at closing. The current estimated proceeds to be paid to the bankruptcy estate total \$15,181.96. It may be that other unanticipated minimal costs will arise at closing and Trustee seeks authority to pay those as well. An on-line title search has been performed and no other liens are believed to exist.

WHEREFORE, the Trustee prays:

- (a) that this Court authorize the sale of the real property upon the terms and conditions set forth herein;
- (b) that this Court authorize the payment of estimated and reasonable costs of sale, including six percent broker's fees, as set forth herein;
- (c) that this Court authorize payment of Debtor's exemption to Debtor at closing; and
- (d) for such other and further relief as may be appropriate.

Respectfully submitted this 25th day of August, 2016.

/s/

JANET G. WATTS, Ga. Bar No. 632067
Chapter 7 Trustee

P.O. Box 430
Jonesboro, GA 30237
(770) 461-1320

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COBBLESTONE HOA, and)	
DONNA TERESA PHILLIPS,)	
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_____)	

CERTIFICATE OF SERVICE OF NOTICE OF TRUSTEE'S MOTION TO SELL

I, Janet G. Watts, certify under penalty of perjury that I am over the age of 18 and that on August 25, 2016, I served a copy of the foregoing Trustee's Motion to Sell, by first class U.S. Mail, with adequate postage prepaid on the persons or entities addressed as follows:

Office of the United States Trustee
62 Richard B Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

Robert O. Colliersmith, Esq.
Colliersmith & Associates
3535 Roswell Road, Ste. 7
Marietta, GA 30062

Ditech Financial LLC
c/o CT Corporation System
1201 Peachtree St. NE
Atlanta, GA 30361

Hon. Sonya Little, Tax Commissioner
Cherokee County
2780 Marietta Highway
Canton, GA 30114

Jerry W. Cooper, County Manager
Cherokee County
1130 Bluffs Parkway
Canton, GA 30114

Donna Teresa Phillips
1601 Buckingham Place
Woodstock, GA 30188

Ditech Financial LLC
3000 Bayport Drive, Ste. 880
Tampa, FL 33607

Cobblestone HOA
c/o Pankey & Horlock LLC
1441 Dunwoody Village, Ste. 200
Atlanta, GA 30338

This the 25th day of August, 2016.

/s/

P.O. Box 430
Jonesboro, GA 30237
(770) 461-1320

JANET G. WATTS, GBN 632067
Chapter 7 Trustee